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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Initial reports of States parties

AZERBAIJAN

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I. INTRODUCTION

1. The present report is the first report of the Government of Azerbaijan, presented in accordance with article 18, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, to which Azerbaijan acceded on 10 July 1995. It deals with the legislative, judicial, administrative and other action undertaken by the Republic of Azerbaijan in order to comply with the provisions of the Convention.

2. In accordance with the overall guidelines prepared by the Committee on the Elimination of Discrimination against Women, section II of the report contains general information about the Republic of Azerbaijan and about human rights measures, the situation of women, and the consequences of the aggression by the Republic of Armenia against Azerbaijan.

3. Section III contains specific information concerning individual provisions of the Convention.

II. OVERALL SITUATION

A. The country and its people

4. The Republic of Azerbaijan is located on the border of Asia and Europe, occupying the south-eastern part of the trans-Caucasus, and bounded on the north by the Russian Federation, on the south by the Islamic Republic of Iran, on the west by Turkey, Georgia, and Armenia, and on the east by the Caspian Sea, which separates it from Kazakstan and Turkmenistan. Its area is 87,000 square kilometres. Its territory includes the Nakhichevan Autonomous Republic. The capital of Azerbaijan is Baku.

5. Early in the twentieth century (1918-1920), Azerbaijan achieved independence, and later became one of the republics of the former Union of Soviet Socialist Republics (1920-1991).

6. An important political event in the life of the country was the adoption on 18 October 1991, by the Supreme Soviet of the Republic, of the Constitutional Act of State Independence of the Republic of Azerbaijan. That date is celebrated as the Republic's Independence Day. The Republic of Azerbaijan is a Member of the United Nations and of many international organizations. It has diplomatic relations with many States throughout the world.

7. The population of the Republic of Azerbaijan on 1 January 1996 was 7,535,000, of which 3,707,200 were men and 3,827,800 women. Between 1990 and 1995, the population grew by 348,400, or 4.8 per cent. The period under consideration is characterized by a gradual fall in the population growth rate from 0.8 per cent in 1990 to 0.6 per cent in 1995. To a considerable extent, the fall in the growth rate is due to a fall in births and an increase in deaths. The urban population, which exceeds the rural population by 445,000, represents 53 per cent of the total population of the Republic.

8. The deep socio-economic crisis which has broken out in recent years, and the war which was thrust upon the country, have also had an impact on demographic indicators. Azerbaijan was always characterized by high levels of fertility among its population; on average, each woman had four to five children in her lifetime. That figure has now fallen to two or three. In 1995, 146,000 babies were born, against 160,000 in 1994 and 183,000 in 1990. The birth rate has fallen from 26.3 to 19.4 per thousand, a decrease of 26 per cent. Births among the urban population have fallen from 22.9 to 17.3 per thousand, a 25 per cent decrease; in rural areas, they have fallen from 30.1 to 22.0 per thousand, a decrease of 27 per cent.

9. The death rate has a clear influence upon the change in the numbers of inhabitants. For many years, Azerbaijan was characterized by a low and stable death rate. During the 1990s, however, as a result of Armenia's war of aggression against Azerbaijan, deaths have increased significantly, reaching 7.4 per thousand in 1994 compared with 6.1 per thousand in 1990. Thanks to efforts and measures by the country's leadership, hostilities ceased for almost two years; that was one of the causes of the decrease in deaths in 1995 and 1996. The death rate in rural areas is 5 per cent higher than among the urban population. Overall, there are 1.3 times as many deaths among men than among women.

10. The death rate is one of the major factors affecting average life expectancy, which fell to 68.5 years in 1995 (63.4 for men, 73.5 for women). The corresponding figures for 1990 were 71.1, 67.0 and 74.8 respectively. The figures for age distribution in 1995 were as follows: the proportion of children and adolescents (aged between 0 and 15 years) had undergone a minimal increase, from 35.0 to 35.1 per cent; in contrast, the main population group of working age had decreased from 54.8 to 53.9 per cent. The number of people of pensionable age had increased from 10.2 to 11.0 per cent. In other words, an ageing process is seen to be taking place. The average age among the population as a whole is 27.

11. The most distressing issue is that of infant mortality. The death rate among children aged less than one year is one of the most topical questions in the country's demographic development. Although in recent years there has been an improvement in the infant mortality figure, it is still high in comparison with those for the States formerly part of the Union of Soviet Socialist Republics and other countries. In 1995, there were 3,486 deaths among children aged less than one year, which is 7 per cent of the figure for the population as a whole. Deaths among children were 17 per cent fewer than in 1994, but the infant mortality rate fell by 10 per cent, to 22.6 per thousand. The decrease in infant mortality over the past two years was closely linked to the considerable reduction in the birth rate over the same period.

12. Maternal mortality has risen sharply in recent years, and is a significant component of the overall death rate. In 1995, the figure was 44.6 per 100,000 births, which is five times more than the corresponding figure for 1990, and 2 per cent higher than that for 1994.

13. In 1995, despite the measures taken to rebuild the Republic's economy, it was nevertheless not possible to improve on the socio-economic situation which

had existed in previous years. Production figures fell in all the main sectors of the economy. At the same time, beginning in the second half of the past year, a significant reduction in the shortfall of industrial output was achieved, and retail commodity circulation increased by 3 per cent compared with 1994. In 1995, the country's social domestic product was 10.7 thousand billion manat and its net material product was 8.3 thousand billion manat, a fall of 17.2 per cent and 16 per cent respectively compared with the previous year. The volume of industrial production fell by 21.4 per cent during the period under consideration. The disruption of economic relations with the countries of the Commonwealth of Independent States (CIS), difficulties in banking operations, the closure of the northern railway, constantly rising prices, the lack of markets, the shortage of raw and other materials, physical wear and tear on and obsolescence of fixed productive capital, and inefficient use of available productive capital were the main reasons for the fall in industrial production in Azerbaijan. Owing to increased production of crops and livestock on privately owned farms, the overall volume of agricultural production was 95 per cent of the 1994 figure. As a result of the economic reforms which are being implemented, there has been a substantial change in the structure of income distribution among the population. This is due, firstly to a significant growth in income from entrepreneurial activities and from property, and also to a fall in the proportion of income in the form of wages, from 80 per cent in the pre-reform period to 33 per cent in December 1995. The economic reforms have also led to a pronounced stratification of society on the basis of material income, to increased differentiation, and to a rise in income differences between rich and poor. In January 1996, the purchasing power of the population was 10.2 times lower than its relatively stable level in 1988. In 1995, average income per person for 62.5 per cent of the population was lower than the average wage for the Republic (58.8 thousand manat). Experts at the World Bank, having studied the composition of our basket of commodities, considered that it had been overvalued by a factor of three, but even if that is so and it is valued at 86,000 manat, 85 per cent of the population remains below the poverty line. The country's already serious situation is worsened by the presence of huge numbers of refugees and forcibly displaced persons who have abandoned their permanent homes as a result of Armenia's armed aggression against Azerbaijan.

B. Consequences of Armenia's armed aggression against Azerbaijan

14. The military activities against Azerbaijan were preceded by unconstitutional activities by separatist groups supported from outside the country in the Nagorny Karabakh region of Azerbaijan; those activities developed against the background of decisions by the Armenian authorities which were contrary to international law. The most well known of those decisions was the adoption by the Armenian parliament on 1 December 1989 of the resolution on the reunification of the Armenian SSR and Nagorny Karabakh. The declaration on Armenian sovereignty of 23 August 1990 also claimed that a part of the territory of another State - the Nagorny Karabakh region of Azerbaijan - was an integral part of the Republic of Armenia. Those decisions of the parliament of Armenia were implemented by its armed forces, with widespread use of mercenary gangs and an abrupt escalation of terrorist activities by the Armenian secret service and terrorist organizations against sovereign Azerbaijan, for the purpose of forcibly depriving it of part of its historical territory.

15. Full-scale military activities began in late 1991 and early 1992, when Armenian armed units began combat operations in the Nagorny Karabakh region of Azerbaijan, using the most modern weapons systems. From May 1992, the conflict overflowed the boundaries of the former Nagorny Karabakh Autonomous Region, spreading to other parts of Azerbaijan.

16. As a result of more than seven years of ongoing war, approximately 20 per cent of the entire territory of Azerbaijan, comprising Nagorny Karabakh and an area four times bigger than that region, has been occupied and held by the Armenian armed forces.

17. A chronological list of the seizure of Azerbaijani towns and districts follows: 28 February 1992, Khojaly; 8 May, Shusha; 18 May, Lachin; 3 April 1993, Kelbajar; 28 June, Agdere; 23 July, Agdam; 23 August, Fizuli; 26 August, Djebrail; 31 September, Kubatly; 28 October, Zangelan and Goradiz.

18. It should also be noted in particular that the Agdere and Agdam districts of Azerbaijan were seized by Armenian armed forces following the adoption of Security Council resolution 822 (1993) of 30 April 1993, which condemned the occupation of the Kelbajar district; the Fizuli district was seized after the adoption of Security Council resolution 853 (1993) of 29 July 1993 condemning the seizure of the Agdam district; and the Djebrail and Kubatly districts were seized after the adoption of Security Council resolution 874 (1993) of 14 October 1993. In its resolution 884 (1993) of 11 November 1993, the Council condemned the occupation of the Zangelan district and the city of Goradiz, attacks on civilians and bombardments of the territory of the Azerbaijani Republic. In all the above-mentioned resolutions, the Council underscored respect for the sovereignty, territorial integrity and inviolability of the borders of the Azerbaijani Republic, and the inadmissibility of using force to acquire territory. It also demanded the immediate cessation of armed hostilities and hostile acts, and the immediate, complete and unconditional withdrawal of all occupying forces from the occupied areas of Azerbaijan. Despite the unequivocal demands of the Security Council, the Republic of Armenia is today still holding on to occupied Azerbaijani territory and increasing its military presence there.

19. As a result of the aggression and ethnic cleansing of Azerbaijanis from the territory of Armenia proper and the occupied areas of Azerbaijan, there are currently over 1 million refugees and displaced persons in Azerbaijan. Gross human rights violations are being perpetrated against Azerbaijani citizens, thousands of whom, mainly women, elderly persons and children, are being held hostage in Armenia and the occupied areas of Azerbaijan and are compelled to do forced labour; over 18,000 people have died and over 50,000 have been wounded or maimed, while several thousand are missing. Civilian housing, State enterprises and social facilities have been destroyed and burnt, and irreparable damage has been inflicted on the environment. An extremely serious humanitarian situation has developed in Azerbaijan. Every year hundreds of elderly people, women and children die in refugee camps as a result of diseases and epidemics.

20. Since the start of the aggression, more than 900 settlements have been looted and destroyed. Armenian aggression against Azerbaijan and the destruction of settlements goes hand in hand with barbaric looting and removal

of property and material assets from occupied Azerbaijani areas to Armenia. The goods and material assets that are taken away are sold on to third countries and the proceeds are used to continue funding the war.

21. During the course of the war, the Armenian armed forces have looted 113,000 dwellings with a combined floor space of more than 9 million square metres. All the property from these buildings has been removed. The total value of the destroyed housing and the property removed therefrom amounts to tens of billions of dollars.

22. It should also be borne in mind that during the transition to a market economy in the currently occupied areas and throughout Azerbaijan as a whole, the private sector underwent intensive development, with the establishment of small enterprises, cooperatives and private firms which received loans for fixed and working capital. This property, too, was systematically carried off to Armenia. The violent destruction by Armenia of the private sector in the occupied areas constitutes a flagrant violation of citizens' economic rights and freedoms.

23. The Armenian occupiers have taken an enormous quantity of State property away to Armenia. The occupied areas contained 173 industrial plants, 122 construction units and 3,225 trading outlets. According to some estimates, the annual production of the occupied areas (excluding the Nagorny Karabakh region) amounted to $12.1 billion. The exploitation of these facilities by Armenia (and the subsequent export of their output to Armenia) constitutes a significant blow to the Azerbaijani economy. In addition to plants, factories, warehouses and grain elevators, infrastructure such as roads, electricity stations and power transmission lines have been destroyed.

24. It must be noted that the occupied areas basically specialized in agriculture. The occupied zone (excluding the Nagorny Karabakh region) contained 90,700 head of cattle (21,400 in the Nagorny Karabakh region), 349,500 head of sheep (53,700 in Nagorny Karabakh), and 51,800 goats (10,200 in Nagorny Karabakh). Azerbaijani refugees were able to bring at most 10 per cent of this livestock with them out of occupation; the remaining animals were systematically shipped off to Armenia. The occupied zone used to yield grain crops worth $9.4 million, tobacco worth $2.3 million, cotton worth $1.3 million, potatoes worth $150,000, vegetables worth $224,000, berries worth $62,000, fruits worth $63,500, grapes worth $12,600, meat worth $5 million, milk worth $2.3 million, wool worth $235,000, and cocoons worth $181,000 (a total of $34 million). The exploitation of these areas, together with the removal of warehoused products, therefore translates into an impressive sum.

25. A considerable quantity of agricultural machinery was left in the occupied areas (crop harvesting vehicles, combine harvesters, tractors), in addition to a number of repair facilities and approximately 10,000 State-owned trucks and passenger vehicles. All this property has been shipped off to Armenia in one form or another by the Armenian occupiers.

26. Nor has the Armenian army spared social facilities. The occupied zone contained 3,647 facilities of a social or cultural nature (315 health facilities, 799 schools, 288 kindergartens, 808 clubs, 927 libraries, 85 music

schools, 22 museums, 4 theatres, 2 concert organizations, 4 art galleries, 268 cinemas, and 10 parks of culture and rest). The equipment in these facilities has been removed almost wholesale to Armenia or destroyed.

27. Irreparable damage has been done to the natural resources of the invaded area. The area contains 260,000 hectares of category-1 woodland which is not subject to felling (an environmentally protected category). Aerial observation reveals that 20 per cent of these woodlands are now actively being cut down and transported to Armenia, which has led to a greater than 25 per cent increase in erosion processes affecting more than 60 per cent of the occupied areas. Furthermore, the areas occupied by Armenia included two State reserves and three State sanctuaries. Reports have been received that the State sanctuary in Kelbajar district, comprising 968 hectares of natural Constantinople hazel woods which were on the Azerbaijani list of endangered flora, has been cut back by 50 per cent. In the animal kingdom, the numbers of valuable species have been halved. Their pelts and hides are being vigorously exported to Armenia.

28. Dozens of workable mineral deposits and industrial reserves are now in the Armenian-controlled occupied zone. Some of these assets are now being voraciously exploited, and the rest are in danger of being plundered. Thus in the territory of Kelbajar district, the Armenians are intensively working the Azerbaijani portion of the Zod gold ore deposit which contains over 70 per cent of the industrial gold reserves in that deposit. Between 1976 and 1990, a total of 27.6 tons of gold were mined from the deposit, including its Azerbaijani part. The rapacious mining of the deposit was stepped up after the seizure of Kelbajar district, and it currently yields 1.5 to 2 tons of gold annually.

29. The unique mineral and medicinal springs at Istisu, which prior to the Armenian invasion formed the nucleus of a noted spa and resort complex and a mineral water bottling plant, have been exploited ruthlessly under Armenian occupation, with enormous quantities of water being exported to Armenia. The factory used to produce 25 million bottles of water a year.

30. In addition, two gold deposits, four mercury deposits, one antimony deposit, two chromite deposits, and important deposits of high-quality facing and construction materials, perlite, obsidian and commercial decorative and semi-precious stones are in danger of being voraciously plundered. In the Lachin district two mercury deposits, one chromite deposit, two vermiculite deposits, three deposits of high-quality decorative marble and gabbro, a number of deposits of construction materials, and unique mineral and medicinal springs have been captured; the same fate has befallen two deposits of facing travertine and marble, a number of deposits of construction materials, and unique mineral and medicinal springs in the Kubatly district; two deposits of facing travertine and marble and a number of deposits of highly artistic commercial facing stones in the Kubatly district; and one gold deposit, important marble deposits, unique reserves of chemical raw materials, and five deposits of various natural construction materials in the Zangelan district.

31. The 11 deposits of wall stones, construction sand, gypsum-clay-sand mixture, building stones, gravel-sand mixture and other deposits in the Djebrail and Fizuli districts, some of which were worked prior to the occupation, have been turned into a source of raw material supplies for the needs of the Republic

of Armenia. The plundering and removal to Armenia of these materials is taking place on the pretext that it is necessary to provide for the national economy of the former Nagorny Karabakh Autonomous Region, which has allegedly been ruined, whereas that territory alone possesses five deposits of facing materials, three deposits of sawable stone, two deposits of building stone, four deposits of gravel-sand mixture, and one lead and zinc deposit, one copper deposit, and one gold deposit. The reserves contained in some of these deposits used to be intensively mined and basically met all the requirements of the former autonomous region; they were even supplied to other regions, including Armenia. According to information received, Armenia is now freely removing the gold-bearing ores of the Kyzylbulag deposit from the Agdere district to its own processing plants.

32. It should be added that, as a result of escalating aggression and the occupation of more and more Azerbaijani territory, the scale of the economic damage that is being inflicted continues to increase. This damage is manifested in the destruction and removal to destinations outside the republic of property, material assets and mineral and raw material resources from the Azerbaijani areas captured by Armenia.

33. The occupiers' vandalism is strikingly confirmed by the war they have declared on the Azerbaijani cultural legacy in the captured areas, where unique cultural, historical and architectural sites have been wholly or partly destroyed. In addition, a significant number of paintings and sculptures, costly ornaments, jewellery and valuable manuscripts - museum exhibits and items from private collections alike - have been carried off to Armenia by the invaders as so-called trophies.

34. The Minister for Foreign Affairs of the Azerbaijani Republic delivered a report to the twenty-seventh session of the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris in November 1993 regarding the fate of demolished monuments and plundered assets. A UNESCO mission arrived in Azerbaijan in November 1994 to ascertain the extent to which educational, cultural and architectural sites have been preserved in the area occupied by the armed forces of the Republic of Armenia. This mission confirmed that serious damage had been inflicted on educational establishments and the Azerbaijani cultural legacy as a result of the war. The museum of stone monuments in the Zangelan district and the museum of the history of the city of Shusha are still being destroyed under the occupation. The Kelbajar regional historical museum, which housed rare historical exhibits, artifacts made of gold, silver and precious stones, hand-made carpets and other valuable items, has been completely destroyed. The house and museum commemorating the musical and social figure Uzeir Hajjibekov, the founder of the first opera in the Islamic East (1908), is threatened with extinction.

35. Statues of Uzeir Hajjibekov, the well-known poet and vizier (prime minister) of the Azerbaijani Karabakh khanate Vagif, the poetess and ruler of the Karabakh khanate Khurshid-Banu Natavan, and the outstanding La Scala-trained tenor Bulbul have been destroyed or mutilated. Many thousands of rare printed items and priceless manuscripts have been destroyed in looted and razed libraries. Nor have the 20th century Vandals spared the costly decorations in palaces of culture and four State theatres.

36. The Armenian aggression against Azerbaijan and its destructive consequences are the principal factors and difficulties affecting the fulfilment of obligations under the Convention on the Elimination of All Forms of Discrimination against Women.

C. General political framework

37. The Constitutional Act of State Independence of the Azerbaijani Republic states that: "On 28 May 1918, the National Council of the Azerbaijani Republic adopted a Declaration of Independence, thereby resuming the centuries-old traditions of the statehood of the Azerbaijani people". The Azerbaijani Republic, embodying absolute State power in its territory, pursued an independent foreign and domestic policy. Institutions characteristic of an independent State were established and began to function - the parliament, government, army and financial system of the Azerbaijani Republic. The Azerbaijani Republic was recognized by a number of foreign States and established diplomatic relations with them. But on 27-28 April 1920, the Russian Soviet Federative Socialist Republic (RSFSR) flagrantly violated international legal norms by sending units of its armed forces into Azerbaijan without a declaration of war and, once it had occupied the territory of the sovereign Azerbaijani Republic, violently overthrew the legitimately elected organs of power and put an end to the independence that had been achieved at tremendous cost by the Azerbaijani people.

38. The Treaty on the Formation of the Union of Soviet Socialist Republics of 30 December 1922 served to consolidate this annexation.

39. The outcome of the Azerbaijani people's struggle for State independence was the adoption on 30 August 1991 by the Supreme Soviet of the Azerbaijani Republic of the Declaration on the Restoration of the State Independence of the Azerbaijani Republic and the Constitutional Act of State Independence of the Azerbaijani Republic on 18 October 1991.

40. Article 1 of the Constitution of the Azerbaijani Republic of 12 November 1995 states that "The people of Azerbaijan are the sole source of State power in the Azerbaijani Republic", and article 7 emphasizes that "The Azerbaijani State is a democratic, rule-of-law, secular, unitary republic".

41. State power in the Azerbaijani Republic is limited in internal matters only by the law, and in foreign affairs only by provisions arising out of international agreements to which the Azerbaijani Republic is a Party.

42. State power in the Azerbaijani Republic is organized on the basis of the principle of separation of powers: legislative power is exercised by the Milli Majlis (Parliament) of the Azerbaijani Republic; executive power is vested in the President of the Azerbaijani Republic; and judicial power is exercised by the courts of the Azerbaijani Republic.

D. General legal framework guaranteeing protection of human rights

1. General legislative framework

43. In this section of the report, the Government of the Azerbaijani Republic presents for consideration the general legislative framework providing for the protection of human rights.

44. Article 19 of the "Constitutional Act on State Independence of the Republic of Azerbaijan" states:

> "All the citizens of the Republic of Azerbaijan enjoy equal rights and obligations according to the law. The Republic of Azerbaijan, subscribing to the Universal Declaration of Human Rights, the Final Act of the Helsinki Conference, and other generally recognized international legal documents, ensures the enjoyment and free exercise of all the rights and freedoms provided therein, irrespective of sex, racial or ethnic affiliation, religion, social origin, political convictions and other circumstances."

45. Chapter III of the Constitution of the Azerbaijani Republic is devoted to the basic human and civil rights and freedoms. Its main articles are set forth below:

> "Article 24. Main principles of human and civil rights and freedoms
>
> "Everyone, from birth, enjoys inviolable, undeniable and inalienable rights and freedoms.
>
> "Rights and freedoms also include the responsibility and obligations of everyone to society and other individuals."
>
> "Article 25. Right to Equality
>
> "I. Everyone is equal before the law and the court.
>
> "II. Men and women have equal rights and freedoms.
>
> "III. The State guarantees everyone equal rights and freedoms irrespective of race, ethnicity, religion, language, sex, origin, property situation, social status, convictions, and membership in political parties, trade unions and other social organizations. Limitations on human and civil rights and freedoms on grounds of racial, ethnic, religious or linguistic affiliation, sex, convictions, and political or social affiliations are prohibited."

46. Articles 27-70 specify the basic rights and freedoms enjoyed by citizens of the Azerbaijani Republic: right to life, right to freedom, right to property, personal inviolability, inviolability of residence, right to marriage, right to

work, right to strike, right to live in a healthy environment, freedom of thought and speech, freedom of conscience, freedom of information, freedom of assembly, et cetera.

47. The proclamation of these rights and freedoms in the Constitution means that their applicability stems direct from the basic law of the country, and that strengthens the guarantees of their protection.

48. The national legislation prohibits and severely punishes failure to observe the human rights and freedoms covered in the Constitution. Thus, in the Criminal Code, an entire chapter deals with crimes against the political and labour rights of citizens, in articles reflecting the criminal-law penalties for impeding the observance of equal rights for women (article 131), breaches of the inviolability of the residence of citizens (article 132), violation of the right to privacy of correspondence, telephone conversations and telegraphic messages (article 133), interference with the exercise of the right to vote (article 134), forgery of ballots, irregularities in counting of votes or violation of the secrecy of the ballot (article 135), breaches of labour legislation (article 136), violation of the employment rights of pregnant women or nursing mothers (article 138), victimization of citizens for whistle-blowing (article 138.1), violation of the right to belong to a professional association (article 139), violation of authors' and artists' rights (article 140) and preventing the conduct of religious services (article 142).

49. Moreover, the Criminal Code contains a number of provisions relating to punishment for infringement or attempted infringement of the physical inviolability of the person (Chapter 3: Crimes against persons) and also crimes against personal property of citizens (Chapter 5).

50. Protection of human rights is stipulated by means of various fundamental legal documents and laws on various subjects, for instance: the Criminal Code, the Code of Criminal Procedure, the Citizenship Code, the Code of Civil Procedure, the Labour Reform Code, the Land Use Code, and the Acts on Freedom of Belief, the Mass Information Media, Political Parties, Professional Associations, Citizenship, Property, Education and others.

2. Judicial administrative and other competent bodies with jurisdiction over human rights

The judicial system

51. In accordance with article 125 of the Constitution of the Azerbaijani Republic:

> "I. Only the courts exercise judicial power in the Azerbaijani Republic by dispensing justice.
>
> "II. Judicial power is exercised by the Constitutional Court of the Azerbaijani Republic, the Supreme Court of the Azerbaijani Republic, the Economic Court of the Azerbaijani Republic, and the general and specialized courts of the Azerbaijani Republic."

52. The courts of the Azerbaijani Republic are: The Supreme Court of the Azerbaijani Republic, the Supreme Court of the Nachevan Autonomous Republic, the Baku Municipal Court, regional and municipal people's courts, military tribunals and the Economic Court of the Azerbaijani Republic.

53. The Constitutional Court provided for in the Constitution has not yet been established. A bill on the establishment of the Constitutional Court is currently under consideration in the relevant standing committees of the Azerbaijani Parliament.

54. The organizational structure and procedure of the courts of the Azerbaijani Republic are specified in the Act on the Judicial System of the Azerbaijani Republic of 26 June 1990.

55. That Act specifies the functions of the courts, which, in dispensing justice, are required to protect against any infringement the social order enshrined in the Constitution of the Azerbaijani Republic, its political and economic system, sovereignty, the political and individual rights and freedoms of citizens proclaimed in and guaranteed by the Constitution and laws of the Azerbaijani Republic, and the rights and legal interests of enterprises, institutions and organizations and their associations and of social organizations.

56. All court activity is directed towards comprehensively strengthening a State ruled by law, legitimacy and the legal order, consolidating the principle of social justice, ensuring democratization and the further development of self-government, and educating citizens in the spirit of exact and unwavering application of the Constitution of the Azerbaijani Republic and the laws established in accordance therewith, and of respect for the rights, honour and dignity of citizens (article 3).

57. The Constitution of the Azerbaijani Republic enshrines the principle of the independence of the court system. Judges are independent, subject only to the Constitution and laws of the Azerbaijani Republic, and irremovable during their term of office. Direct or indirect restriction of legal proceedings by anyone for any reason, illegal influence, threats and interference are prohibited. The system of justice is based on equal rights of citizens before the law and the court. Everyone has the right to counsel at all stages of court proceedings. Justice is based on the principle of the presumption of innocence (article 127).

58. In accordance with the Act on the Judicial System of the Azerbaijani Republic, justice in the Azerbaijani Republic is dispensed through hearing and settlement in court sessions of civil cases relating to the protection of the rights and lawful interests of citizens, enterprises, institutions and organizations, and hearing in court sessions of criminal cases, determination of the guilt of defendants and application of the penalties established by law to persons found guilty of committing a crime, or acquittal of those found innocent (article 4).

59. The regional (municipal) people's courts (people's judges) and the judges for administrative and executive matters and appointed to these courts are

responsible for hearing cases relating to administrative offences assigned to their jurisdiction by the legislation of the Azerbaijani Republic.

Administrative organs

60. The head of the Azerbaijani State is the President of the Azerbaijani Republic. He represents the State within the country and abroad (article 8).

61. Executive power in the Azerbaijani Republic rests with the President of the Republic (article 99).

62. For the purpose of organizing the work of the executive branch, the President of the Azerbaijani Republic forms a Cabinet of Ministers, the highest organ of the executive power of the President of the Republic. The Cabinet of Ministers is subject to the President and accountable to him. The order of business of the Cabinet is established by the President (article 114).

63. The Cabinet of Ministers consists of the Prime Minister of the Republic, his deputies, ministers and heads of other central organs of executive power (article 115).

64. Local executive power is exercised by the heads of executive power. The heads of executive power are appointed to their positions and removed by the President of the Republic. The jurisdiction of the local executive power is determined by the President (article 124).

65. The Office of the Public Prosecutor of the Azerbaijani Republic, in the manner prescribed by law, oversees the accurate and uniform execution and application of laws, orders investigations in the cases specified by law, conducts the government prosecution in the courts, brings suits in court and raises objections to court decisions. The Office of the Public Prosecutor is a single centralized organ based on subordination of territorial and specialized prosecutors to the Procurator-General of the Azerbaijani Republic. The Procurator-General of the Azerbaijani Republic is appointed to office and removed from office by the President of the Republic (article 133).

3. Methods of legal protection

66. All residents of the Azerbaijani Republic who have suffered a violation of one of their fundamental rights have at their disposal a full range of different methods to resolve the situation, irrespective of whether the right was violated by individuals or as a result of the actions of a State official.

67. Article 59 of the Code of Criminal Procedure states that the victim, that is to say the individual who, as a result of the violation, suffered moral or physical harm or property damage, and his representative, have the right to: submit evidence, file petitions, be informed of all the particulars from the moment the preliminary investigation begins, participate in the court examination, lodge challenges, and file complaints against the actions of the person conducting the inquiry, the investigating officer, the prosecutor or

court, as well as against the sentence or the court's findings and the rulings of people's judges.

68. A person suffering material harm from a crime has the right, in the course of criminal proceedings, to file against the accused or the persons bearing material responsibility for the actions of the accused a civil suit, which will be tried jointly with the criminal case (article 51).

69. The grounds for instituting criminal proceedings are:

(a) A statement by a citizen;

(b) A report from a trade union or other social organization;

(c) A report of a company, institution or organization or of an official;

(d) A report published in the press;

(e) An admission of guilt;

(f) Immediate discovery by the prosecutor, investigator, body of inquiry or court of circumstances indicating that a crime has been committed (article 104).

70. The defendant or his counsel and legal representative, and also the plaintiff and his legal representative, have the right to appeal any unlawful or unfounded verdict, regardless of who conducted the prosecution in the court of first instance. The plaintiff and defendant in a civil suit and their representatives have the right to appeal a verdict insofar as it relates to the civil suit. An individual acquitted by the court has the right to appeal insofar as the motives and grounds for the acquittal are concerned (article 344).

4. Other measures applied for purposes of ensuring application of the provisions of the Convention

71. Although the legal system in force in our country makes provision for ensuring compliance by the authorities with the provisions of various human rights instruments as they become incorporated into national legislation and administrative regulations, every time the Parliament of the Republic adopts an instrument of accession to any given international legal instrument, the highest legislative organ in the country gives specific instructions to the relevant State departments on measures to be taken to bring the necessary legislation and regulations of the Azerbaijani Republic into line with the international instrument.

E. Information and publicity

72. Azerbaijani women play a leading role in the society of sovereign Azerbaijan. Endowed by nature with analytical minds, fortitude and kindness,

they not only fulfil their assigned duties with distinction, but confidently raise and solve difficult problems of scientific and technical progress.

73. The multi-faceted interests of women in general are widely covered in the mass media. The following publications covering the role of women in society in general have been registered with the Ministry of Information and the Press: the newspapers "Ana", "Kadyn Dunyasy" and "Kadyn ve Istedad", and the magazines "Azerbaijan Kadyny", "Hanum", "Aile" and "Jeila". A number of women's clubs are in operation: "Ashyg Peri", "Mejlisi", "Saadat", "Sevil", "Tarana", "Household Management" and others. In 1995 for the first time in the Republic a contest for women story-tellers was held.

74. Specialized thematic and commemorative evenings for women and evening meetings with famous women of the Republic are held regularly.

75. In order to disseminate the cultural heritage, festivals, shows, contests, exhibits and other events reflecting the culture, family traditions and role of women in the social and economic life of the Republic are organized. Article 2.5 of the Act "On Citizenship in the Azerbaijani SSR" also grants equal rights and freedoms to men and women.

III. INFORMATION ON INDIVIDUAL ARTICLES OF THE CONVENTION

Articles 1-4

76. Article 25 of the Constitution defines the right to equality. Men and women enjoy equal rights and freedoms. The State guarantees the equality of rights and freedoms of everyone irrespective of sex. Limitation of human and civil rights and freedoms on grounds of sex is prohibited.

77. Article 19 of the Constitutional Act on the State Independence of the Azerbaijani Republic [text missing]

78. The Act on Employment of the Population of the Azerbaijani Republic includes the principle of equality between men and women in the exercise of the right to work and to free choice of employment.

79. Under article 131 of the Criminal Code of the Republic, actions which prevent women from participating in public social and cultural activities, thus significantly violating the equal rights of women, are subject to criminal penalties if they are associated with the use or threat of use of force.

80. Provisions on the maternal status of women and on relations between family members are contained in articles 3, 4, 5, 21, 23 and 66 of the Marriage and Family Code of the Azerbaijani Republic.

81. Measures for the protection of women who have been subjected to violence are contained in articles 109, 110, 116 and 128 of the Criminal Code of the Azerbaijani Republic. On 15 April 1995, article 22 of this law was amended to abolish the death penalty for women.

82. Measures for the social protection of the family, including large families with children under 16 years of age, are contained in the Labour Code, the Act on Paid Leave, the Act on Citizens' Pension Insurance, the Act on Employment of the Population of the Azerbaijani Republic, the Act on State Policy towards Youth and other laws containing measures for the social protection of families who have suffered as a result of exceptional circumstances.

83. As well as in laws, provisions relating to the social protection of families are contained in the decrees issued by the President of the Azerbaijani Republic and the resolutions adopted by the Cabinet of Ministers of the Republic.

Article 5

84. Questions relating to the rights and responsibilities of parents with regard to the upbringing and development of their children are dealt with in articles 66, 67, 68 and 69 of the Marriage and Family Code of the Azerbaijani Republic, which stipulate that the father and the mother have equal rights and responsibilities with regard to their children.

85. Parents have equal rights and responsibilities with regard to their children even if their marriage is dissolved (article 66).

86. Parents are required to bring up their children, ensure their physical development and education, prepare them for socially useful work and raise them as valuable members of society (article 67).

87. Parental rights may not be exercised in a manner contrary to the interests of the child (article 68).

88. One or both parents may lose their parental rights if it is determined that they neglect their responsibilities for the upbringing of their children or abuse their parental rights, behave cruelly towards their children, exert a bad influence on their children through amoral or antisocial conduct, or are chronic alcoholics or drug abusers (article 74).

Article 6

89. The national legislation of the Republic establishes criminal liability for violation of the rights of women.

90. Article 215 of the Criminal Code provides that individuals who involve minors in criminal activities, including prostitution, are liable to criminal charges.

91. Article 229 of the Code provides that individuals who maintain houses of prostitution, procure women for prostitution or recruit women for the same purpose are liable to criminal charges.

92. The organs of internal affairs of the Republic, in close cooperation with the departments of health, culture, education, labour collectives and social organizations, have adopted a set of precautionary and preventive measures aimed at eradicating the causes and conditions which contribute to the spread of prostitution and of the associated procurement and maintenance of houses for the purpose of exploitation of prostitution of women.

93. Notwithstanding the measures taken, this social evil continues to take place in the context of the economic difficulties of the transitional period, the unemployment which accompanies it, and the huge number of refugees from occupied regions of the Republic. Individuals, taking advantage of the poverty-stricken situation of certain segments of the population, are setting up houses of prostitution, where they exploit women for mercenary motives.

94. The organs of internal affairs of the Republic are making determined efforts to bring such individuals to justice. In 1995 and the first half of 1996, 26 criminal cases were instituted on charges of maintaining houses of prostitution, procuring women for prostitution and recruiting women for the purpose of material gain, and the perpetrators were brought to trial.

Article 7

95. Guarantees of the right of women to participate in government and of their electoral rights have been reflected in the legislative enactments of the Republic.

96. Article 55 of the Constitution of the Azerbaijani Republic stipulates the right of all of the country's citizens, including women, to participate in government. They have the right to serve on government bodies.

97. Article 56 of the Constitution of the Azerbaijani Republic stipulates the right of all of the country's citizens to elect and be elected to government bodies and to participate in referendums.

98. Guarantees of the right of women to participate in government affairs are also contained in the Act on Elections to the Milli Majlis of the Azerbaijani Republic and the Act on the Election of the President of the Republic.

99. In 1994 women constituted one third of the employees of the State and economic machinery of the Republic.

Article 8

100. There are 15 women working in embassies, including 1 ambassador, 1 counsellor, 5 attachés and 8 technical staff.

Article 9

101. Under article 5 of the Act on Nationality of the Azerbaijani Soviet Socialist Republic, the marriage of a male or female citizen of the Azerbaijani SSR to an alien or a stateless person, or the dissolution of such a marriage, does not change the nationality of the spouses. A change in the nationality of one spouse does not change the nationality of the other spouse. Questions relating to the nationality of the children are considered in articles 13 to 15 of the aforesaid Act.

Article 10

102. In accordance with article 42 of the Constitution, men and women have the same rights to education. The State guarantees free and compulsory general secondary education.

103. Article 3 of the Education Act also stipulates that citizens are guaranteed the right to education regardless of sex. At all levels of the school system, education is provided on issues relating to equality between men and women; special emphasis is placed on ensuring that teaching aids and textbooks do not reflect discriminatory attitudes vis-à-vis either sex.

104. The basis of all education, its foundation, is the general-education school. At the start of the 1995-1996 academic year, there were 4,480 State-run general-education day schools providing general education to 1,483,500 children, of whom 50.8 per cent were girls. In addition to these establishments, schools affording intensive study of various subjects are becoming widespread. The educational system also includes boarding schools for children whose families are unable to provide for their upbringing and education, and special schools, classes, groups and home study for physically immature and mentally retarded children.

105. Girls constitute 61 per cent and 45 per cent, respectively, of the 30,500 pupils in establishments of technical secondary education and the 86,300 students in establishments of higher education.

106. Forty per cent of scientific workers, one of every 10 doctors of science and nearly one of every three masters of science are female.

107. Scholarships are awarded in equal proportions to students in establishments of higher education, special secondary education and vocational and technical education, regardless of their sex.

Article 11

108. Since 1992, the Azerbaijani Republic has been a member of the International Labour Organization (ILO) and has ratified 55 ILO conventions, several of which contain legal provisions relating to women in the field of labour and employment. These are the following: Convention No. 45 concerning the Employment of Women on Underground Work in Mines of All Kinds, Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of

Equal Value, Convention No. 103 concerning Maternity Protection and Convention No. 111 concerning Discrimination in Respect of Employment and Occupation.

109. Article 35 of the Constitution of the Azerbaijani Republic stipulates that everyone has the right to free choice of profession, employment and workplace in accordance with his or her capacity to work. Everyone has the right to work under safe and healthful conditions, and to be remunerated for such work at not less than the minimum pay rate established by the Government, without any discrimination. These rights which women enjoy have also been reflected in other legislation of the Republic. As confirmation of the above, it should be noted that there are no sectors to which women have not contributed their labour. In 1994, over 780,000 women, or 45 per cent of the total work force, were employed in sectors of the Azerbaijani economy. The proportion of women workers in health care, social welfare, popular education and culture remains high (65 per cent to 72 per cent).

110. Article 83 of the Labour Code of the Azerbaijani Republic provides that the labour of manual and clerical workers shall be remunerated in accordance with its quantity and quality and prohibits any reduction in pay rates on the basis of sex. With regard to labour protection, working hours, paid leave and a number of other working conditions, women enjoy certain benefits, which are laid down in the section entitled "Women and work" of the aforesaid Code (articles 173-190).

111. Under these articles of the Code:

(a) It is prohibited to refuse to employ women or to reduce their pay on the grounds that they are pregnant or have children under three years of age (under 14 years of age in the case of single mothers);

(b) The dismissal, on the initiative of management, of pregnant women or women who have children under three years of age (14 years of age in the case of single mothers) is prohibited, except in the case of total liquidation of the enterprise, when it is permitted subject to mandatory redeployment;

(c) It is prohibited to assign women to heavy labour, work involving harmful conditions, and underground work, with the exception of certain types of underground work;

(d) It is prohibited for women to carry or move loads in excess of the limits prescribed for them;

(e) It is prohibited to recruit pregnant women and women who have children under three years of age to work at night, overtime and on holidays, and to send them on mission;

(f) Women who have children from 3 to 14 years of age may not be recruited for overtime work or sent on mission without their consent;

(g) Productivity and performance standards are lowered for pregnant women, on the recommendation of a physician, or they are transferred to other, easier

jobs not subject to unfavourable factors of production, with maintenance of their average earnings in their former jobs;

(h) Women who have children under one and a half years of age are given breaks in addition to the usual rest and meal periods, which are paid at the rate of their average earnings, in order to nurse their children;

(i) At the request of women who are pregnant, have children under 14 years of age or are caring for a sick relative, and on the recommendation of a physician, management is required to establish a partial working day or a partial working week for them;

(j) Women are given pregnancy and maternity leave for a period of 126 calendar days (140 calendar days in the case of difficult deliveries or the birth of two or more children).

112. Chapter IV of the Criminal Code determines which actions are deemed criminal in connection with violations of the labour rights of citizens, and establishes criminal liability for the commission of such crimes. Thus, articles 136 and 138 of the Criminal Code established criminal liability on the part of authorities for infringement of the labour laws and violation of the labour rights of pregnant women or nursing mothers. Article 22 of the Paid Leave Act extends the periods of pregnancy and maternity leave for women employed in agricultural production. The leave period for women in this category is from 140 to 180 calendar days, depending on the difficulty of the delivery. While on pregnancy and maternity leave, women receive an allowance in the amount of 100 per cent of their average pay, regardless of length of service.

113. The Paid Leave Act of the Azerbaijani Republic, which entered into force on 1 December 1994, provides for the establishment of more favourable conditions for working women by enabling them to combine social production with child-raising. Thus, working women with two children under 14 years of age are granted additional leave for a period of three calendar days. In the case of those caring for three or more children in the same age group, such leave consists of six calendar days. Following pregnancy and maternity leave, women are granted leave with part pay in order to care for their children up to the age of three. During this period, women are paid a monthly allowance. If a child is chronically ill, a woman is entitled, on the recommendation of a medical advisory board, to leave without pay until the child is four. Any other working relative who has de facto responsibility for the care of a child is equally entitled to leave. In 1995, 113,500 working women were on leave with part pay in order to care for a child.

114. The Act on Employment of the Population of the Azerbaijani Republic was adopted in 1991. In accordance with article 5 of that Act, State policy in the area of employment is designed to:

(a) Ensure equal opportunities for all citizens living in the Republic, regardless of their ethnic origin, gender, age, social situation, political beliefs and attitude to religion, in exercising their right to work and to free choice of employment;

(b) Respect the voluntary nature of work and the freedom of citizens to choose their type of employment;

(c) Encourage employers who are creating new jobs, especially for citizens who particularly need social protection and are experiencing difficulties in finding work.

The persons who particularly need social protection include single parents and parents of many children, when the children they are raising are under the age of majority, and women raising preschool or disabled children. In accordance with article 13 of the Employment Act, the State provides additional guarantees for this category of citizens in finding work by creating additional jobs and specialized enterprises and organizations and by organizing training for them under special programmes. Local authorities, with their own resources, through the provision of tax concessions and from other sources, provide enterprises, establishments and organizations with the minimum number of special jobs to hire citizens in this category.

115. Article 12 of the Act establishes guarantees for the implementation of the right of citizens to work. In accordance with this article, the State guarantees to all citizens, including women:

(a) Free choice of type of occupation, including employment under various work schedules, and legal protection from unjustified dismissal;

(b) Assistance, free of charge, in selecting suitable work and in job placement;

(c) Free training in a new occupation (specialized field) and refresher training in the system operated by State employment service or through it in other training bodies, with payment of a stipend;

(d) Compensation in the case of being assigned to work in another locality at the suggestion of the State employment service.

116. Article 35, paragraph VII establishes the right of unemployed persons to receive social benefits from the State. The Employment Act also guarantees the right of citizens who have been recognized as unemployed under the established procedure to receive benefits. The socio-economic difficulties in the Republic and the seizure of one fifth of its territory by Armenia have led to a deterioration in the situation of women in the area of employment. They are less protected from unemployment than men. Two thirds of the unemployed population of working age are women. Material difficulties in the family are now forcing women to seek work even more actively. Thus, in 1995, over 13,000 women job-seekers applied to the State employment service; over 4,000 of them had been forcibly displaced from areas of the Republic occupied by Armenia. Over 5,600 women have been placed by the service. A total of 17,000 women who have been accorded unemployed status are registered with the service, which has sent 1,600 on short-term occupational training courses. Over 900 women have been assigned to temporary paid community work. At the same time, it should be noted that, as regards the achievement of the democratic principles laid down in the national legislation, not all the mechanisms have yet been established in

the Republic for providing economic assistance to employers in ensuring the fuller availability of the concessions in the areas of work and employment which are envisaged for women under the laws.

117. The rights of citizens to social security are laid down in article 38 of the Constitution of the Azerbaijani Republic. Everyone is entitled to social security on attaining the age established by law or on grounds of sickness, invalidity, loss of the breadwinner or incapacity to work.

118. In accordance with the Act on Pension Coverage for Citizens, women are entitled to receive an old-age pension on attaining the age of 55 with at least 20 years' service. Mothers of many children and mothers of disabled children are entitled to a pension under this law under the following conditions:

(a) Heroin-mothers, regardless of age, with at least 10 years' service;

(b) Mothers of disabled children who have cared for the children up to the age of eight are entitled to an old-age pension on attaining the age of 50 with at least 15 years' service.

119. Women who have had three or more children and have cared for the children up to the age of eight receive an old-age pension under the following conditions:

(a) With 9 children - on attaining the age of 45, with at least 10 years' service;

(b) With 8 children - on attaining the age of 46, with at least 11 years' service;

(c) With 7 children - on attaining the age of 47 with at least 12 years' service;

(d) With 6 children - on attaining the age of 48, with at least 13 years' service;

(e) With 5 children - on attaining the age of 49, with at least 14 years' service;

(f) With 4 children - on attaining the age of 50, with at least 15 years' service;

(g) With 3 children - on attaining the age of 51, with at least 16 years' service.

Article 12

120. Article 41 of the Constitution of the Azerbaijani Republic lays down the right to health care. Paragraph 1 of this article establishes that everyone has the right to health care and to medical assistance.

121. In 1995, in the Ministry of Health system alone, over 29,000 doctors covering all specialized fields, 56.2 per cent of whom were women, provided skilled medical care to the population of the Republic.

122. Women's right to reproductive health and family planning is seen in the context of overall human rights. In March 1996, a State reproductive health and family planning programme was adopted, supported by international organizations - the World Health Organization and the United Nations Population Fund. The Republic is supplied with four types of contraceptives, ensuring women's access to the type of contraception they prefer. A family planning centre for the Republic is now in operation in the capital. Within the framework of the programme, family planning and reproductive health centres are to be opened in six regions of the Republic.

123. In practice all pregnant women have access to the services of skilled personnel during pregnancy and delivery. There are women's clinics (surgeries) to serve pregnant women in all towns and district centres. In rural localities pregnant women are served by rural out-patient medical facilities and midwife centres. All mothers giving birth are able to receive skilled assistance in maternity homes (branches) of towns and in central district hospitals, and, in rural localities, in rural divisional hospitals where there are beds for women giving birth. In cases of problem pregnancies, women can be promptly flown on medical flights to the regional multi-profile institutions in Baku. Because of the general socio-economic difficulties in the Republic, it is not possible to ensure free nutrition for pregnant women and nursing mothers.

124. In the difficult conditions of the period of transition to a market economy, the problems associated with the provision of health care to the population have been accentuated. The existing network of State facilities for treatment and prevention cannot fully meet the needs of the population because of the inadequate financial resources allocated to them, and some of these facilities are therefore starting to charge for services to their patients. According to the data from a study carried out in October 1995, however, three quarters of the population surveyed does not consider it advisable to expand paid medical care.

Article 13

125. Needy families with children under the age of 16 (and students under the age of 18 who are not receiving grants) are entitled to family benefits. Under the system in operation, these benefits are paid to the mother at her place of employment (training), and if the mother is not employed, to the father at the place of work (training). If both parents are unemployed, the benefits for their children are paid by the social security bodies at the parents' place of residence. If the parents are divorced, the parent with whom the child lives is entitled to the family benefit.

126. The legislative instruments of the Republic do not restrict women's rights to receive loans, mortgages and other forms of financial credit.

127. Women and men have the same right to participate in recreational activities, sports and cultural life.

Article 14

128. Currently, along with the implementation of various employment support programmes, work is being carried out jointly with international organizations (United Nations Development Programme (UNDP), ILO) to promote employment, including women's employment, and also self-employment and income-generating activities. This work is under way on an experimental basis in the Salyan district of the Republic and provides for making women refugees self-employed through training in occupational skills and introduction to entrepreneurial activity.

129. The legislation of the Republic does not restrict the rights of women to access to agricultural credit and loans, marketing facilities and appropriate technology, and they are accorded equal status in land and agrarian reform as well as in land resettlement schemes.

Article 15

130. Women's equality with men before the law is laid down in article 25, parts I and II of the Constitution of the Azerbaijani Republic, which provides that everyone is equal before the law; men and women have equal rights and freedoms.

131. Article 9 of the Civil Code of the Azerbaijani Republic provides that the capacity to have civil rights and duties (legal capacity in civil matters) is recognized equally for all citizens of the Azerbaijani Republic.

132. No one's legal capacity or competence can be restricted other than in cases and under the procedure provided for by law. Contracts aimed at restricting legal capacity or competence are null and void (article 12).

133. The equal treatment of women and men during hearings in courts and tribunals is enshrined in the Constitution: justice is administered on the basis of the equal rights of citizens before the law and the court. Everyone has the right to counsel at all stages of court proceedings (article 127).

Article 16

134. Under article 34, part I of the Constitution of the Azerbaijani Republic, everyone has the right to establish a family on attaining the age prescribed by law.

135. Under article 34, part II of the Constitution: "Marriage is contracted on the basis of voluntary consent. No one may be forced to marry." This provision is also embodied in article 16 of the Marriage and Family Code of the Azerbaijani Republic, which states:

"For contracting marriage, the mutual consent of the persons to be married is required, and they must be of marriageable age."

136. The spouses have equal rights in the family. Questions of the upbringing of the children and other questions of family life are resolved jointly by the spouses (article 21).

137. Each of the spouses is free to choose an occupation, profession, place of residence and family name (articles 20 and 22).

138. During the lifetime of the spouses, the marriage may be dissolved through divorce on the application of one or both of the spouses (article 38).

139. Parental rights may not be exercised in a manner which runs counter to the interests of the children.

140. A parent living separately from the children has visitation rights and the right to participate in their upbringing.

141. The parent with whom the children live is not entitled to prevent the other parent from contacting the children and participating in their upbringing (article 70).

142. Citizens of either sex who have reached the age of majority can be adoptive parents (article 116). This provision also applies to the possibility of being guardians, wards or trustees.

143. Adoption is permitted only in the case of children who have not reached the age of majority and in their interests (article 112). This provision also applies to guardianship and wardship (article 138).

144. Property acquired by the spouses during their marriage is their joint property. The spouses have equal rights in respect of the ownership, enjoyment and disposition of that property, regardless of whether it was acquired from the earnings (income) of the husband or of the wife. The right to property acquired during the marriage is recognized for both spouses, even if the property is registered in the name of one of the spouses (article 23).

145. Marriage is concluded in State bodies through registration in an official registry (article 13, part I).

146. Attainment of the age prescribed by law is a compulsory requirement for entering into marriage. The marriageable age is 18 years. In exceptional cases, the age for marriage may be reduced, by not more than one year (articles 15 and 16).